IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.113 OF 2000

The Commissioner of Income Tax ..Applicant

Vs.

Mahindra & Mahindra Ltd. ..Respondent

Mr.Ashok Kotangale for the Applicant.
Mr.B.V.Jhaveri for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 4TH JUNE, 2007

P.C.

1. Heard the learned Counsel for the Applicant and the Respondent. In the above application, following substantial question of law is sought to be raised:

> "Whether on the facts and in the circumstances of the case, law, the Tribunal was right in holding that expenditure on repairs and payment of rates and taxes are not disallowable under section 37(4) ?

2. Both learned Counsel for Applicant and the Respondent agree that this application itself be treated as a statement of the case and the substantial question of law be decided accordingly.

3. Both learned Counsel for the Applicant and the Respondent submit that the above question of law

sought to be raised is squarely covered by the Judgment of the Apex Court in the case of **Britannia Industries Ltd. Vs. Commissioner of Income Tax & Anr.278 I.T.R. 546** in favour of the Revenue. Under the aforesaid facts and circumstances, we answer the question of law in favour of the Revenue and against the Assessee.

4. As far as the second question is concerned, the same is covered against the Revenue and in favour of the Assessee, and in view of the judgment in the case of **Associated Bearing Co.Ltd. Vs. Commissioner of Income Tax (2006) 286 ITR 341(Bom)**, the Application stands disposed of accordingly.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**